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THE LATE MR. J. L. ROSARIO.

It is with deep regret that we record the death of Mr. John Leonard Rosario at his residence at Egmore on 4th September 1917, after a brief illness, at the age of sixty-nine. He took his degree in Law in 1870 and began to practice soon after. At the time of his death, he had put in more than forty-seven years' practice at the bar and his friends were looking forward with eagerness to his golden jubilee as a lawyer and from his steady habits and general health, there was no ground for being otherwise than confident that he would live to celebrate it. But it was not to be. He began practice at Malabar and only later on in 1899, he came to Madras. While at Malabar, he achieved for himself a reputation the like of which has not been witnessed in that District either before or since. At Madras also, he commanded extensive practice. He acted as Government Pleader and Public Prosecutor and for a time, he also officiated as Advocate-General. He was for some years President of the Vakils' Association. He was highly respected at the bar and his genial disposition and kindly manners made him very popular among the profession. He mixed freely with the junior members of the profession and, in so doing, he never felt or showed that he was condescending. He had a keen sense of humour and his long and varied experience supplied him with a fund of anecdotes with which he used to enliven his conversation. In advocacy, clear statement was his *forté*. He was always moderate but for that very reason, whenever he pressed a point, it remarkably told. He used to read his cases long before they were posted and he made very clear and careful notes. Those that had to instruct him had very little to do in the matter of posting him up with the facts of the

case. He did not believe in copious citation but that was not for want of research for those that knew him could tell that he had his own index of all the cases even the most up-to-date. One of the last things he did while conscious was to bring his index up-to-date and when he was reminded of his condition, he is reported to have said—"what is to happen, will happen. In the meanwhile let us do our work." This, in a marked degree, illustrates the temper of the late Mr. Rosario. He did his duty without reference to the consequence. One of the first cases in which he appeared, he used to say, was one against a judicial officer. No one would appear for the plaintiff but when he approached young Mr. Rosario, he readily took up his case though dissuaded by his friends at the bar who pointed out to him the disastrous consequences it may have upon his practice. Far from having that effect, that case made his reputation and his practice was once for all secured for him. The very judicial officer against whom he appeared conceived a regard for him. He was very fair as an Advocate and scrupulously accurate in his facts. He had an almost religious regard for the accuracy of his accounts with respect to his client's money. Up to the last, he maintained a double set of accounts. One used to be written up at the office by his clerks and another he used to write up himself after checking every item in the office account. Truly as the learned Chief Justice observed "his ideal of advocacy was so high that it must have raised the level of the profession generally."

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THE URLAM WATER-CESS CASE.

(Kandukuri Balasurya Prasada Rao v. The Secretary of State for India : 33 M. L. J. 144.)

Out of the large mass of litigation that has arisen in this Presidency during the last decade, in consequence of the rigorous application, by the Government of a particular interpretation placed by them on the Madras Irrigation Cess Act, the present case was the first to reach the highest Court of Appeal and the decision has long been eagerly looked forward to, in the confident expectation that their Lordships will reverse the decision of the High Court based on what was felt at the time to be an untenable theory. The numerous reported decisions of the Madras High Court subsequent to that in the *Urlam case* [1], bear testimony to the difficulties and uncertainties that beset the construction and the application of the Act but they also disclose a strong body of Judicial opinion against the extreme view enunciated by the High Court in the Urlam case. We cannot help feeling that the decision of the Judicial Committee now before us does not altogether fulfil the expectations of the public and the profession as to the points likely to be settled thereby. Judging from the notes of the argument before them (so far as they are available to us) numerous questions seem to have been pressed upon their Lordships, but the decision is rested on a narrow ground and their Lordships do not even indicate the inclination of their opinion on certain interesting questions suggested in the judgment itself. But such, as it is, the decision is one of considerable importance to the Zemindaries in the Presidency, not merely because of its effect on the application of the Water-Cess Act but also on account of its bearing on the large question of the irrigation rights of Zemindars, which is likely to come up for discussion at an early date, in connection with the proposed Irrigation Bill of the Madras Government.

The principal questions that have arisen in connection with the Irrigation Cess Act may be conveniently grouped under the

1. (1910) I L R. 34 M. 295.